

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARIA A. MONTEVERDE,	:	CIVIL ACTION NO.: 02-cv-4214
	:	
<i>Plaintiff,</i>	:	
	:	
vs.	:	
	:	
PPL ELECTRIC UTILITIES	:	
CORPORATION,	:	
	:	
<i>Defendant.</i>	:	

PLAINTIFF'S MOTION TO VACATE ORDER

Plaintiff, Maria A. Monteverde, by and through her attorneys, Lovitz and Gold, P.C., hereby move to vacate a prior Order of this Court entered on October 30, 2002, pursuant to the provisions of Rule 41.1 (b) of the Local Rules of Civil Procedure and in support thereof aver the following:

1. On or about October 30, 2002, the parties achieved a confidential settlement in the within action.
2. Upon notification of the same, this Court entered an Order pursuant to the provisions of Rule 41.1 (b) of the Local Rules of Civil Procedure, (effective January 1, 1970), dismissing this action with prejudice, after having been notified that the issues between the parties have been settled upon agreement of counsel. (A copy of the Court's Order entered on October 30, 2002, is attached hereto and marked as Exhibit "A").

3. Thereafter, in connection with the settlement achieved by and between the parties, the Defendant furnished a confidential settlement agreement and general release to the Plaintiff for review and execution.

4. Pursuant to the terms of the agreement and in accordance with the provisions of the Older Workers Benefit Protection Act, (citations omitted) (OWBPA) the Plaintiff was afforded the opportunity to revoke the Agreement within seven (7) days of the date of her execution of the agreement by sending notification of such revocation, by hand delivery to PPL Electric Utilities Corporation to North 9th Street, Allentown, Pennsylvania, to the attention of Andrew K. Williams, Esquire.

5. Based on the Plaintiff's directives, counsel transmitted a letter to Andrew K. Williams, Esquire via hand delivery on December 2, 2002, in accordance with the revocation provisions contained in the settlement agreement and general release previously executed by the Plaintiff in this matter.

6. By virtue of said correspondence, the Plaintiff effectively and formally revoked her decision to settle the above-referenced action in accordance with the provisions of Federal law as mandated by the OWBPA. (A copy of the revocation letter is attached hereto and marked as Exhibit "B").

7. Accordingly, because a settlement of this action has not been achieved by virtue of the Plaintiff's right of revocation, Plaintiff hereby moves that this Court vacate the Order of Dismissal attached hereto and marked as Exhibit "A", having demonstrated good cause to vacate said Order.

8. The instant Motion has been filed within ninety (90) days of the entry of the Court's Order dismissing this action pursuant to Rule 41.1 (b).

WHEREFORE, the Plaintiff requests that this Court vacate its prior Order entered on October 30, 2002, and reassume jurisdiction over the continued litigation of this action to its proper conclusion.

LOVITZ & GOLD, P.C.

BY: _____
SIDNEY L. GOLD, ESQUIRE
Attorney I.D. No. 21374
KEVIN I. LOVITZ, ESQUIRE
Attorney I.D. No. 70184
515 Eleven Penn Center
1835 Market Street
Philadelphia, PA 19103
(215) 569-1999
Attorneys for Plaintiff